

RECEIVED  
CENTRAL FAX CENTER

OCT 29 2004

JEFFREY L. STREETS  
PATRICK K. STEELE  
FRANK J. CAMPIGOTTO†  
STEVEN L. CHRISTIAN

†Licensed by Ohio Supreme Court and U.S. Patent and Trademark Office  
All others licensed by Texas Supreme Court and U.S. Patent and Trademark Offices

**STREETS & STEELE**  
Intellectual Property Attorneys  
13831 Northwest Freeway, Suite 355  
Houston, Texas 77040  
(713) 939-9444  
Fax (713) 939-9508

Patents, Trademarks,  
Copyrights, Licensing,  
Trade Dress, Trade Secrets,  
Unfair Competition,  
Technology Development,  
Computer and Internet Law

**Date:** October 29, 2004

**To:** Examiner Son T. Nguyen      **Art Unit:** 3643  
USPTO      **Confirmation No:** 7661

**Facsimile:** 703-872-9306

**From:** Streets & Steele      **Our Deposit Account Log No.:** 1045  
Yolanda Charles      **Our Ref:** WHIT/0002.A

**Pages:** 3 (with cover)

**Message:**

CERTIFICATE OF TRANSMISSION 37 C.F.R. 1.8
I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents to the fax number indicated on the Office Action, to the attention of the named Examiner, on the date below: <b>10/29/04</b> <u>yolanda charles</u> <small>Date</small> <small>Signature</small>

Attached please find the following documents for the above referenced patent application:

- 1) Response to the Office Action dated October 19, 2004.

**CONFIDENTIALITY NOTE**

The document accompanying this facsimile transmission contains information from the law firm of Streets & Steele which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

RECEIVED  
CENTRAL FAX CENTER

OCT 29 2004 Patent  
Atty. Dkt. No. WHIT/0002.A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:  
Carl E. Whitcomb

SERIAL NO. 10/770,352

FILED: February 2, 2004

FOR: Plant Container and Sidewall  
Providing Improved Management  
Of Irrigation and Aeration

Mail Stop Response  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

§ CONFIRMATION NO: 7661  
§  
§ EXAMINER: Son T. Nguyen  
§  
§ GROUP ART UNIT: 3643  
§  
§ Via Facsimile: 703.872.9306

CERTIFICATE OF TRANSMISSION  
37 C.F.R. 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents to the fax number indicated on the Office Action, to the attention of the named Examiner, on the date below:

10/29/04 *Yvonne Charles*  
Date Signature

Sir:

**RESPONSE TO OFFICE ACTION DATED OCTOBER 19, 2004**

Applicant files this Response to the Office Action dated October 19, 2004, having a one month shortened statutory period for response set to expire on November 19, 2004. Please consider the remarks on the pages that follow.